

MINUTES
SAN DIEGO COUNTY PLANNING COMMISSION
Regular Meeting - September 30, 2005
DPLU Hearing Room, 9:00 a.m.

The meeting convened at 9:03 a.m. and adjourned at 10:27 a.m.

A. ROLL CALL

Commissioners Present: Brooks, Day, Kreitzer, Miller, Riess, Woods

Commissioners Absent: Beck

Advisors Present: Areigat (DPW); Taylor (OCC)

Staff Present: Pryor, Esperance, Gibson, Forsythe, Hulse, Hunter, Maxson, Russell, Sloan, Jones (recording secretary)

B. Statement of Planning Commission's Proceedings, Approval of Minutes for the Meeting of September 16, 2005.

Action: Day - Woods

Approve the Minutes of September 16, 2005.

Ayes: 5 - Brooks, Day, Kreitzer, Riess, Woods
Noes: 0 - None
Abstain: 1 - Miller
Absent: 1 - Beck

C. Public Communication: Opportunity for members of the public to speak to the Commission on any subject matter within the Commission's jurisdiction but not an item on today's Agenda.

There were none.

D. Formation of Consent Calendar: Item 2, TM 5387/P04-032

R04-026, Agenda Item 1:

1. Pamela F. Palisoul, Trustee, Zone Reclassification R04-026, Mountain Empire Subregional Planning Area (continued from September 2, 2005)

Proposed Zone Reclassification to allow the removal of the "A" Special Area Designator (Agricultural Preserve) from property located north of Interstate 8 on both sides of McCain Valley Road, south of Lost Valley, in the unincorporated community of Boulevard. The Board of Supervisors will consider a concurrent proposal to alter the existing boundary of Agricultural Preserve No. 30 to remove the subject parcels. There is no Williamson Act Contract on any of the parcels. The project site is 1,722 acres in size and has a General Plan Land Use Designation of (20) General Agriculture and is zoned A72.

Staff Presentation: Maxson

Proponents: 3; **Opponents:** 2

On September 2, 2005, the Planning Commission continued consideration of this proposal to allow review of concerns raised by representatives of the Boulevard Sponsor Group, and to allow review of Code Enforcement's report following a visit to the project site. The concerns raised by the Sponsor Group representative include:

- Suspected zoning, building and grading violations resulting from construction onsite;
- Utilization of existing onsite cottages for the Set Free Ministries drug and alcohol rehabilitation facility instead of farm labor housing;
- Utilization of an onsite airstrip in violation of the County's grandfather clause;
- An outdated sewage system and failed septic systems;
- Impacts on oak forests, riparian habitat and wetlands due to onsite construction;
- Loss or destruction of cultural artifacts onsite; and
- Possible impacts on habitat for the Desert Bighorn Sheep

In addition to those concerns, Commissioner Beck requested that Staff return today prepared to discuss whether farming operations must be underway to allow utilization of the existing onsite cottages for farm employee housing, and provide a determination as to whether the existing airstrip is grandfathered. Commissioner

R04-026, Agenda Item 1:

Beck also requested that Staff return today with a determination as to whether this property is a geographical component of the Desert Bighorn Sheep Recovery Project.

Staff has investigated the concerns raised at the September 2, 2005 meeting and determined that the existing airstrip is not a nonconforming use and is not being used at this time, and the property owners have been made aware that operational Permits are required before they can use the airstrip.

Staff clarifies that agricultural activities, including farming, need not be underway onsite under the current General Plan Designation or zoning, nor is a Permit for farm labor/employee housing required due to the location and zoning of the project site. However, an "Application for Verification of Agriculture" from the Department of Agriculture, Weights and Measures is required. Conditional approval of that application was granted in August 2004 for a one-year term. The property owner has been advised that an updated Application for Verification of Agriculture must be submitted to Staff.

No grading violations were observed during Staff's visit to the project site, and there is no proposal to develop or expand uses beyond those allowed by right under the A72 Use Regulations. Staff reiterates that removal of the "A" Designator would not change the allowable uses onsite from that which currently exists, and reminds the Commission that the Board of Supervisors is processing an associated application to remove the parcels from Agricultural Preserve No. 30.

Staff has ascertained from Bureau of Land Management representatives that all or portions of all parcels in question are within the Bighorn Sheep Preservation Area. General Plan 2020 designates these parcels as Rural Lands with a density of one dwelling unit per 80 acres; the existing density for the parcels is one dwelling unit per 40 acres.

Boulevard Sponsor Group representatives and neighboring property owners acknowledge that the applicant possesses the necessary Permits, but they remain concerned about the legality of the existing airstrip, which they insist has been used recently and frequently by - it is believed - the "Friends of the Border Patrol" and "Minutemen".

R04-026, Agenda Item 1:

Sponsor Group representatives and neighboring property owners are also still concerned about what they suspect is illegal grading, and the possibility that a drug rehabilitation facility might be established onsite. They urge the Planning Commission to retain the current zoning on the property.

In response to issues raised by project opponents today regarding the airstrip, the applicant informs the Commission that they were encouraged by many neighboring property owners to work with the border-protecting groups. The airstrip is being used for ultralights and the only improvements to it have been removal of weeds and filling in potholes. The applicant was not aware that the airstrip was not legally operable and thought its use was grandfathered in. He reminds the Commission that the necessary Permits, with the exception of a Permit for operating the airstrip, have been obtained. He clarifies that there is no current or contemplated use of the airstrip as a landing strip, and there is no drug or alcohol rehabilitation facility onsite. The applicant explains that he is restoring this site, and he has cleaned up what was once an eyesore.

Regarding the applicant's reasons for requesting the Zone Reclassification, the Commission is reminded that the Williamson Act contract expired several years ago; thus, the tax options associated with that contract are no longer viable. The Commission is further reminded that provisions in the expired contract could result in the applicant being held responsible for payment of back taxes on the property, a liability the applicant does not wish to assume.

Action: Miller - Kreitzer

Recommend that the Board of Supervisors approved Zone Reclassification R04-026.

Discussion of the Action:

Commissioner Woods announces he will support the Motion and advises community residents to contact the Planning Group chairwoman if zoning or code violations occur onsite, so they can be addressed quickly.

Ayes:	6 -	Brooks, Day, Kreitzer, Miller, Riess, Woods
Noes:	0 -	None
Abstain:	0 -	None
Absent:	1 -	Beck

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R04-026, Agenda Item 1:

TM 5387, Agenda Item No. 2:

2. Hall Land Company, Tentative Map (TM) 5387 and Major Use Permit P04-032, Bonsall Community Planning Area

Proposed one-lot subdivision to allow construction of 12 detached condominiums. A Major Use Permit is required because the project site is located within the San Luis Rey Downs Private Development project, at Camino del Cielo and Via Casitas.

Staff Presentation: Forsythe

Proponents: 2; **Opponents:** 0

This Item is approved on consent.

Action: Kreitzer - Riess

1. Adopt the Resolution approving TM 5387, which makes the appropriate Findings and includes those requirements and Conditions necessary to ensure that the project is implemented in a manner consistent with the Subdivision Ordinance and State law; and
2. Grant Major Use Permit P04-032, which makes the appropriate Findings and includes those requirements and Conditions necessary to ensure that the project is implemented in a manner consistent with The Zoning Ordinance.

Ayes:	6 -	Brooks, Day, Kreitzer, Miller, Riess, Woods
Noes:	0 -	None
Abstain:	0 -	None
Absent:	1 -	Beck

Administrative Items:

E. Director's Report:

Staff provides a status Report on DPLU Business Process Re-engineering (Gibson).

F. Report on actions of Planning Commission's Subcommittees:

There were none.

G. Designation of member to represent the Planning Commission at Board of Supervisors meeting(s):

No designations were made.

H. Discussion of correspondence received by the Planning Commission:

There was none.

I. Scheduled Meetings:

November 18, 2005	Regular Meeting, 9:00 a.m., DPLU Hearing Room
December 2, 2005	Regular Meeting, 9:00 a.m., DPLU Hearing Room
December 16, 2005	Regular Meeting, 9:00 a.m., DPLU Hearing Room
December 30, 2005	Planning Commission Workshop, 9:00 a.m., DPLU Hearing Room
January 13, 2006	Regular Meeting, 9:00 a.m., DPLU Hearing Room
January 27, 2006	Regular Meeting, 9:00 a.m., DPLU Hearing Room
February 10, 2006	Regular Meeting, 9:00 a.m., DPLU Hearing Room

There being no further business to be considered at this time, the Chair-person adjourned the meeting at 10:27 a.m. to 9:00 a.m. on November 18, 2005 in the DPLU Hearing Room, 5201 Ruffin Road, Suite B, San Diego, California.